

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

YUSEF IBRAHIM,

Plaintiff,

y.

DOCTOR FLORA DEFILIPPO, et al.,

Defendants.

Civ. No. 19-5021 (GC) (TJB)

## MEMORANDUM & ORDER

CASTNER, U.S.D.J.

Plaintiff is a state prisoner proceeding *pro se* with an amended complaint. On March 3, 2022, Defendant Doctor Flora DeFilippo filed a motion for summary judgment. (*See* ECF 99). Plaintiff was then given an extension of time to file a response to the motion for summary judgment until April 29, 2022. (*See* ECF 105). On April 11, 2022, this matter was reassigned to the undersigned. (*See* ECF 107).

On May 10, 2022, the Court received a letter from Plaintiff inquiring into why he had not received any notification from the Court on his response he claims he filed in opposition to Defendant's motion for summary judgment. (*See* ECF 108). On May 17, 2022, Defendant filed a letter indicating that while she received a copy of Plaintiff's opposition to her motion for summary judgment in the mail, she noted that it had not yet been docketed by the Court. (*See* ECF 109). Defendant attached a copy of what she received from Plaintiff as an exhibit to her letter. (*See* ECF 109-1). To date, the Court has not received a copy of Plaintiff's response in opposition to Defendant's motion for summary judgment *from* Plaintiff.

Before this Court files the attachment to Defendant's letter as Plaintiff's response in opposition to Defendant's motion for summary judgment, Plaintiff shall be afforded a short period of time to confirm that this is the response he wishes to file in response to Defendant's motion.

Accordingly, IT IS on this 23<sup>rd</sup> day of May, 2022,

ORDERED that Plaintiff shall have twenty-one (21) days in which to file with the Court a letter indicating whether he wishes to have the attachment to Defendant's May 17, 2022 letter filed as his response in opposition to Defendant's motion for summary judgment; and it is further

ORDERED that if Plaintiff does not file a letter within the time allotted, this Court will presume he wishes to have the attachment to Defendant's letter filed as his response in opposition to her motion for summary judgment; and it is further

ORDERED that the Clerk shall serve this memorandum and order along with a copy of Defendant's letter and corresponding exhibit (ECF 109 & 109-1) on Plaintiff by regular U.S. mail.

  
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GEORGETTE CASTNER  
United States District Judge